

KIRKLAND & ELLIS LLP

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May 28, 2025

VIA ECF

The Honorable Thomas I. Vanaskie
Special Master for Discovery
Stevens & Lee
1818 Market Street, 29th Floor
Philadelphia, PA 19103

Re: *In re Valsartan, Losartan, and Irbesartan Products Liability Litigation*, No.
1:19-md-2875-RBK-KMW (D.N.J.)

Dear Special Master Vanaskie:

Per the Court's MDL Special Master Order (ECF 3043), this letter provides Defendants' proposed agenda for the May 30, 2025 Case Management Conference.

I. PLAINTIFF FACT SHEET DEFICIENCIES

A. Cases Addressed at the April 28, 2025 Case Management Conference:

The Court issued three show cause orders returnable at the May 30, 2025 Case Management Conference:

1. *Mark McNall v. Aurobindo, et al.* – 23-cv-21327
2. *Teresa Esrig v. Torrent, et al.* – 22-cv-244
3. *Yolanda Williams v. Hetero, et al.* – 24-cv-7899

The issues in the *Williams* and *Esrig* matter are resolved, and the show cause orders may be withdrawn.

The issues in the *McNall* matter remain unresolved, but the parties agree to an extension of the show cause order until the next case management conference.

KIRKLAND & ELLIS LLP

The Honorable Thomas I. Vanaskie
May 28, 2025
Page 2

B. Second Listing Cases – Order to Show Cause Requested:

Pursuant to CMO-16, the Plaintiff Fact Sheets in the below cases are substantially incomplete and contain core deficiencies. Each of these cases was previously listed on the agenda for a prior CMC. This list was provided to Plaintiffs' leadership on May 16, 2025, and a meet and confer was held on May 22, 2025. Defendants have also been available for further discussion as needed. Accordingly, Defendants request that an Order to Show Cause be entered in each of these cases, returnable at the next case management conference, directing Plaintiffs to establish why these cases should not be dismissed.

	Plaintiff	Civil Action No.	Law Firm	Deficiencies	Deficiency Sent
1.	James Doherty v. Aurobindo, et al.	25-cv-956	Bernstein Liebhard	No PFS Filed	PFS Due – 4/3/25
2.	Ladawn Banks v. Aurobindo, et al.	25-cv- 1159	Stark & Stark	No PFS Filed	PFS Due – 4/11/25
3.	Roger Fast v. Aurobindo, et al.	25-cv- 1192	Stark & Stark	No PFS Filed	PFS Due – 4/12/25
4.	Ronald Gies v. Hetero Drugs, et al.	25-cv- 1186	Bernstein Liebhard	No PFS Filed	PFS Due – 4/21/25
5.	Michael Anderson v. Aurobindo et al.	24-cv- 10799	Levin Papantonio	Uploaded photo of a valsartan container is not of the valsartan relevant to the basis of the claim (X.9.)	2/19/25

KIRKLAND & ELLIS LLP

The Honorable Thomas I. Vanaskie
May 28, 2025
Page 3

C. First Listing Cases – Remaining Core Deficiencies:

The following Plaintiff Fact Sheets contain core deficiencies which remain unresolved. This list was provided to Plaintiffs' leadership on May 16, 2025, and a meet and confer was held on May 22, 2025. Defendants have also been available for further discussion as needed. This is the first time these cases have been listed on this agenda. Accordingly, Defendants are not requesting orders to show cause with respect to any of the below cases at this time and will continue to meet and confer to resolve these deficiencies.

	Plaintiff	Civil Action No.	Law Firm	Deficiencies	Deficiency Sent
1.	Joseph Schubert v. ZHP, et al.	25-cv- 1911	Peiffer Wold	Authorizations need ink signature.	5/12/25
2.	Joan Howard v. ZHP, et al.	25-cv- 1191	Nigh Goldenberg	No medical records.	5/12/25
3.	Randy Harris v. ZHP, et al.	25-cv- 1562	Levin Papantonio	No documents supporting esophageal cancer diagnosis. Missing medical expense records. Authorizations must be undated.	5/13/25
4.	Oscar Jarquin v. ZHP, et al.	24-cv- 11515	Levin Papantonio	Missing medical expense records.	5/6/25

KIRKLAND & ELLIS LLP

The Honorable Thomas I. Vanaskie
May 28, 2025
Page 4

5.	Robert O'Neill v. Aurobindo Pharma, Ltd.	25-cv- 1657	Stark & Stark	No PFS Filed	PFS Due – 5/7/25
6.	Michael Kopinetz v. Hetero Drugs, Ltd.	25-cv- 1899	Nigh Goldenberg	No PFS Filed	PFS Due – 5/17/25
7.	William Floyd v. Aurobindo Pharma, Ltd.	25-cv- 2150	Nigh Goldenberg	No PFS Filed	PFS Due – 5/28/25

II. PRODUCT IDENTIFICATION DEFICIENCIES

A. Cases Addressed at the April 28, 2025 Case Management Conference:

The Court issued twenty nine show cause orders returnable at the May 30, 2025, Case Management Conference:

Plaintiff	Docket	Attorney	Entity(ies) to be Dismissed
1. John Avjian WITHDRAW	24-cv-09463	Kendra Goldhirsch Chaffin Luhana LLP	Mylan Laboratories Ltd., Mylan N.V., and Mylan Pharmaceuticals Inc.
2. Dixie Buxton WITHDRAW	23-cv-02933	David Hobbs Fleming, Nolen & Jez, L.L.P.	Mylan Pharmaceuticals Inc., Mylan N.V., and Mylan Laboratories Ltd.
3. Edward Jackson	20-cv-6589	David Hobbs Fleming, Nolen & Jez, L.L.P.	Mylan Laboratories Ltd., Mylan Pharmaceuticals Inc., Mylan N.V.

KIRKLAND & ELLIS LLP

The Honorable Thomas I. Vanaskie
May 28, 2025
Page 5

Plaintiff	Docket	Attorney	Entity(ies) to be Dismissed
WITHDRAW			
4. Priscilla Kleinman	19-cv-7152	Watts Law Firm LLP	Mylan Laboratories Ltd., Mylan Pharmaceuticals Inc.
5. Christopher Lang WITHDRAW	24 -cv- 8254	Kendra Goldhirsch Chaffin Luhana LLP	Mylan Laboratories Ltd., Mylan Pharmaceuticals Inc.
6. Shylaine Louissaint	21-cv-7797	Andrew O’Conner Nagel Rice	Mylan Laboratories Ltd.
7. Kevin Russell WITHDRAW	25-cv-00278	Nigh Goldenberg Raso & Vaughn	Mylan Laboratories Ltd., Mylan Pharmaceuticals Inc., Mylan N.V.
8. Janet Snipe WITHDRAW	24 -cv-04013	Kendra Goldhirsch Chaffin Luhana LLP	Mylan Laboratories Ltd., Mylan Pharmaceuticals Inc., Mylan N.V.
9. Diane Troiano John Troiano	20-cv-2341	Michael Schafle Green & Schafle LLC	Mylan Laboratories Ltd., Mylan Pharmaceuticals Inc., Mylan N.V. Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries, Ltd.

KIRKLAND & ELLIS LLP

The Honorable Thomas I. Vanaskie
May 28, 2025
Page 6

Plaintiff	Docket	Attorney	Entity(ies) to be Dismissed
10. Catherine Worsham WITHDRAW	22-cv-00002	Morgan and Morgan	Mylan Laboratories Ltd., Mylan Pharmaceuticals Inc., Mylan N.V.
11. Bykowski, Leslie	20-cv-14248	Watts Guerra	Arrow Pharm (Malta) Ltd.
12. Ernsbarger, Loren WITHDRAW	20-cv-18796	Fleming, Nolen & Jez, LLP	Arrow Pharm (Malta) Ltd. and Teva Pharmaceuticals USA, Inc.
13. Franklin, Jerry (Est. of Billye)	20-cv-7860	Michael Brady Lynch Firm	Teva Pharmaceutical Industries, Ltd.; Teva Pharmaceuticals USA, Inc.; Actavis, LLC; Actavis Pharma, Inc.; Arrow Pharm (Malta) Ltd.
14. Montalbano, Annette	23-cv-22904	The Barnes Firm	Arrow Pharm (Malta) Ltd..
15. Mottie, Maurice WITHDRAW	22-cv-06304	Fleming, Nolen & Jez, LLP	Teva Pharmaceuticals USA, Inc.
16. Peyton, Katherine	21-cv-09063	DeGaris	Teva Pharmaceutical Industries, Ltd.
17. Polita, Adelaide o/b/o Frank Annunziato	20-cv-7879	Michael Brady Lynch Firm	Arrow Pharm (Malta) Ltd.

KIRKLAND & ELLIS LLP

The Honorable Thomas I. Vanaskie
May 28, 2025
Page 7

Plaintiff	Docket	Attorney	Entity(ies) to be Dismissed
18. Sanders, Ada	20-cv-7884	Michael Brady Lynch Firm	Teva Pharmaceuticals USA, Inc.
19. Smoot, Lee	20-cv-7994	Michael Brady Lynch Firm	Arrow Pharma (Malta) Ltd.
20. Stiles, Debra WITHDRAW	22-cv-1987	Pittman Dutton	Arrow Pharm (Malta) Ltd.
21. Taggart, Joyce WITHDRAW	20-cv-8802	Fleming, Nolen & JEZ, LLP	Teva Pharmaceuticals USA, Inc.; Arrow Pharm (Malta) Ltd.
22. Taylor, Barbara WITHDRAW	21-cv-19430	Fleming, Nolen & JEZ, LLP	Teva Pharmaceuticals USA, Inc.
23. Thomas, Jason WITHDRAW	20-cv-15091	Scott Morgan	Teva Pharmaceuticals USA, Inc.
24. Thornton, Ricky	20-cv-16078	Watts Guerra	Arrow Pharm (Malta) Ltd.

KIRKLAND & ELLIS LLP

The Honorable Thomas I. Vanaskie
May 28, 2025
Page 8

Plaintiff	Docket	Attorney	Entity(ies) to be Dismissed
25. Tippet, Gary WITHDRAW	22-cv-00826	Pittman Dutton	Arrow Pharm (Malta) Ltd., Teva Pharmaceutical Industries, Ltd., and Teva Pharmaceuticals USA, Inc.
26. Tolley, Margaret	21-cv-10130	DeGaris	Teva Pharmaceuticals USA, Inc.
27. Torghele, Daniel	19-cv-21034	Shrager, Spivey & Sachs	Arrow Pharm (Malta) Ltd.
28. Vindigni, Richard WITHDRAW	21-cv-02361	Julian Bailey	Teva Pharmaceutical Industries, Ltd., Teva Pharmaceuticals USA, Inc.
29. Williams, Ernestine	21-cv-6946	Douglas & London	Teva Pharmaceuticals USA, Inc.

The issues in the following 15 matters are either resolved, or a stipulation of dismissal has been entered, and the show cause orders may be withdrawn as moot. The numbers in the list below reflect the case's placement on the chart above for reference.

- 1) John Avjian
- 2) Dixie Buxton
- 3) Edward Jackson
- 5) Christopher Lang
- 7) Kevin Russell
- 8) Janet Snipe
- 10) Catherine Worsham
- 12) Loren Ernsbarger

KIRKLAND & ELLIS LLP

The Honorable Thomas I. Vanaskie
May 28, 2025
Page 9

- 15) Maurice Mottie
- 20) Debra Stiles
- 21) Joyce Taggart
- 22) Barbara Taylor
- 23) Jason Thomas
- 25) Gary Tippet
- 28) Richard Vindigni

The issues in the below 14 matters remain, and the Requesting Manufacturer Defendants request that the listed entities be dismissed from these matters with prejudice. Numbers in the below list reflect the case's placement on the chart above for reference.

- 4) Priscilla Kleinman
- 6) Shylainne Louissant
- 9) Diane Troiano
- 11) Leslie Bykoswki
- 13) Jerry Franklin
- 14) Annette Montalbano
- 16) Katherine Peyton
- 17) Adelaide Polita
- 18) Ada Sanders
- 19) Lee Smoot
- 24) Ricky Thornton
- 26) Margaret Tolley
- 27) Daniel Torghele
- 29) Ernestine Williams

B. Second Listing Cases – Order to Show Cause Requested:

The following product identification issues remain unresolved. This list was provided to Plaintiffs' leadership on May 14, 2025, and a meet and confer was held on May 22, 2025. Defendants have also been available for further discussion as needed. This is the second time these cases have been listed on this agenda. Accordingly, the Requesting Manufacturer Defendants request that an Order to Show Cause be entered in each of these cases, returnable at the next case management conference, directing Plaintiffs to establish why the listed entities should not be dismissed from these cases.

KIRKLAND & ELLIS LLP

The Honorable Thomas I. Vanaskie
May 28, 2025
Page 10

Plaintiff	Docket	Attorney	Deficiency	Entity(ies) to be Dismissed	Prior Dismissal Request(s)
1. Cleveland, Michael	20-cv-00950	Morgan & Morgan	Only Teva product identified is 1 year post-diagnosis of colon cancer.	Teva Pharmaceuticals USA, Inc.	3/28/25
2. Keller, Theodore	20-cv-6918	Shrager & Sachs	No Teva Product	Teva Pharmaceutical Industries, Ltd.; Teva Pharmaceuticals USA, Inc.; Actavis, LLC; Actavis Pharma, Inc.	3/31/25
3. Lang, Christopher	24-cv-8254	Chaffin Luhana LLP	No Teva Product	Teva Pharmaceutical Industries, Ltd.	3/31/25
4. Stern, Jeannette	24-cv-9402	Bernstein Liebhard LLP	No Teva Product	Arrow Pharm (Malta) Ltd.	4/1/25

C. First Listing Cases – Remaining Product Identification Deficiencies:

The following product identification issues remain unresolved. This list was provided to Plaintiffs' leadership on May 14, 2025, and a meet and confer was held on May 22, 2025. Defendants have also been available for further discussion as needed. This is the first time these cases have been listed on this agenda. Accordingly, Defendants are not requesting orders to show cause with respect to any of the below cases at this time and will continue to meet and confer to resolve these deficiencies.

KIRKLAND & ELLIS LLP

The Honorable Thomas I. Vanaskie
May 28, 2025
Page 11

Plaintiff	Docket	Attorney	Deficiency	Entity(ies) to be Dismissed	Prior Dismissal Request(s)
1. Gilchrist, Gregory	25-cv-1091	Chaffin Luhana LLP	No Teva Product	Teva Pharmaceuticals USA, Inc.	5/12/25
2. Wesley, Mary	20-cv-8587	Vogelzang Law	No Teva Product	Arrow Pharm (Malta) Ltd.	2/28/25
3. Williams, Jeffrey	21-cv-16345	Heninger Garrison Davis, LLC	No Teva Product	Arrow Pharm (Malta) Ltd.	5/12/25

III. WAVE 2 DFS AMENDMENTS

The parties continue to meet and confer, including most recently on May 28, 2025, to finalize the information that will be included in the amended Defendant Fact Sheets for the Wave 2 Bellwether cases. No action by the Court is required at this time.

IV. 30(b)(6) DEPOSITION ON ZHP CERTIFICATES OF ANALYSIS AND RELATED DOCUMENTS

ZHP has agreed to tender a corporate witness to testify with respect to the topics noticed by Plaintiffs related to certificates of analysis and material safety data sheets. The parties are continuing to discuss dates for the deposition. The dates initially noticed by Plaintiffs (June 18 & 19, 2025) are not workable for ZHP and Plaintiffs' counsel has indicated that Plaintiffs are not available between June 23 & July 8, 2025. As a result, ZHP expects that the deposition will occur after July 8, 2025.

KIRKLAND & ELLIS LLP

The Honorable Thomas I. Vanaskie
May 28, 2025
Page 12

Sincerely,

A handwritten signature in cursive script that reads "Jessica Davidson".

Jessica Davidson, P.C.